

APPEAL NO. 021835  
FILED SEPTEMBER 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 19, 2002. The hearing officer resolved the disputed issue by deciding that due to the compensable injury of \_\_\_\_\_, the respondent (claimant) has had disability from April 2, 2002, through the date of the CCH, but did not have disability from February 21, 2001, through April 1, 2002. The appellant (carrier) appealed the hearing officer's determination that the claimant has had disability from April 2, 2002, through the date of the CCH. No response was received from the claimant. There is no appeal of the determination that the claimant did not have disability from February 21, 2001, through April 1, 2002.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that on \_\_\_\_\_, the claimant sustained a compensable injury to her lumbar spine and both knees. Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." The claimant had the burden to prove that she had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by the claimant's testimony and by the reports of the treating doctor. We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION for Reliance National Indemnity Company, an impaired carrier**, and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR  
T.P.C.I.G.A.  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Margaret L. Turner  
Appeals Judge